



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,423	06/25/2004	Robert Pines	886-127us	9295

7590 04/19/2005

Sofer & Haroun
317 Madison Avenue
Suite 910
New York, NY 10017

EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/500,423	Applicant(s) PINES ET AL.	
	Examiner DANH C LE	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-45 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication on 04/11/05 in which replaces the Office Action issued on 04/04/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 7, 8, 10, 12, 29, 30, 35-42 are rejected under 35 U.S.C. 102(b) as being anticiapted by Rondeau (US 5,850,433).**

As to claim 7, Rondeau teaches a communication assistance system (figure 1) comprising:

a first database (14) having a plurality of listings therein, each of said listings having at least one contact name and a corresponding contact number;

a switching device configured (30), to direct a communication from a telephone device of a user to said system; and

a past requested listing table for at least one of said users of said system, configured to store requested listings, as requested by said -user, wherein when said user contacts said system with said telephone device, said system recognizes said user, prior to said user making any directory search requests and retrieves said past requested listing table (col.3, line 1-col.4, line 58).

As to claim 8, Rondeau teaches the communication system as claimed in claim

Art Unit: 2683

7, wherein said past requested listing table is forwarded to an operator terminal of said system (col.3, line 1-col.4, line 58).

As to claim 10, Rondeau teaches the communication system as claimed in claim 7, wherein said past requested listing table is transmitted to said telephone device of said user, wherein said user retrieves a listing contained in said past requested listing table stored in said telephone device of said user (col.3, line 1-col.4, line 58).

As to claim 12, Rondeau teaches the communication system as claimed in claim. 7, wherein said past requested listing table further maintains a requester call number field corresponding to said user's telephone number (col.3, line 1-col.4, line 58).

As to claim 29, Rondeau teaches the communication system as claim in claim 7, wherein said past requested listing table updates periodically (col.4, lines 29-58).

As to claim 30, Rondeau teaches the communication system as claimed in claim 29, wherein said past requested listing table is updated Manually by said user via any one of HTTP (Hyper Text Transfer Protocol), WAP (Wireless Application Protocol) and SMS (Short Message Service) (col.5, line 66-col.6, line 14).

As to claim 35, Rondeau teaches a method for operating a communication assistance system (figure 1), said method comprising the steps of:

storing a plurality of listings in a first database (14), each of said listings having at least one contact name and a corresponding contact number;

directing a communication from a telephone device of a user to said system (18);
and

storing requested listings as requested by said user in a past requested listing

Art Unit: 2683

table, wherein when said user contacts said system with said telephone device, said system recognizes said user and retrieves said past requested listing table (col.3, line 1-col.4, line 58).

As to claim 36, Rondeau teaches the method as claimed in claim 35, further comprising the step of maintaining a category field in said past requested listing table configured to indicate the category of said listing, stored in said past requested listing table (col.3, line 1-col.4, line 58).

As to claim 37, Rondeau teaches the method as claimed in claim 35, further comprising the step of maintaining as specified quantity of listings on said past requested listing table (col.3, line 1-col.4, line 58).

As to claim 38, Rondeau teaches the method as claimed in claim 37, wherein said specified quantity of listings are maintained to as to achieve a desired target probability that a listing, requested by said user, is found on said past requested listing table (col.3, line 1-col.4, line 58).

As to claim 39, Rondeau teaches the method as claimed in claim 35, further comprising the step of transmitting said past requested listing table to said telephone device of said user (col.3, line 1-col.4, line 58).

As to claim 40, Rondeau teaches the method as claimed in claim 19, further comprising the step of retrieving a listing contained in said past requested listing table stored in said telephone device of said user (col.3, line 1-col.4, line 58).

As to claim 41, Rondeau teaches the method as claimed in claim 35, further comprising the step of adding listings to said past requested listing table, said added

Art Unit: 2683

listings related to said listings stored on said past requested listing table (col.3, line 1-col.4, line 58).

As to claim 42, Rondeau teaches the method as claimed in claim 35, further comprising the step of a User manually updating said past requested listing table via any one of HTTP (Hyper-Text Transfer Protocol), WAP (Wireless Application Protocol) and SMS (Short Message Service) (col.3, line 1-col.4, line 58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rondeau (US 5,850,433) in view of Hefffield (US 6,009,323).

As to claim 1, Rondeau teaches a communication assistance system (figure 1) comprising:

a first database (14) having a plurality of listings therein, each of said listings having at least one contact name and a corresponding contact number;

a switching device (30) configured to direct a communication from a telephone device of a user to said system, and

a past requested listing table for at least one of said users of said system, configured to store requested listings obtained from said database, as requested by said user, wherein when said user contacts said system with said telephone device,

Art Unit: 2683

said system recognizes said user and retrieves said past requested listing table for use an operator terminal of said system prior to the user making any directory search requests (col.3, line 1-col.4, line 58).

Rondeau fails to teach retrieving at least a portion of said store requested listing from and delivers them to a customer service representative. Heffield teaches retrieving at least a portion of said store requested listing from and delivers them to a customer service representative (col.1, line 62-col.3, line 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Heffield into the system of Rondeau in order to enhance system performance of the radio communication.

As to claim 3, Rondeau teaches the communication assistance system according to claim 1, wherein said listings in said past requested listing table are assigned to a corresponding category field (col.3, line 1-col.4, line 58).

As to claim 4, Rondeau teaches the communication assistance system according to claim 3, wherein said category fields [may] include designations for any one of restaurant, (1-800 numbers,] personal contacts, airlines., hotels, movies and entertainment listings (col.8, line 33-col.9, line 20).

As to claim 45, the combination of Rondeau and Heffield teaches the method as claim in claim 35, further comprises the step of delivering a portion of said requested listing to customer representation at an operator terminal of said system (col.1, line 62-col.3, line 23).

4. Claims 2, 5, 13, 18-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rondeau and Heffield in view of Borland (US 6,320,943).

As to claims 2, 5, 6, 13 the combination of Rondeau and Heffield teaches the communication system according to claim 1. The combination of Rondeau and Heffield fails to teach the telephone device is a mobile telephone, the counter filed configured to store the number of times said stored listings have been requested by said user, a time and date field corresponding to the time and date at which a particular listing, stored in said past requested listing table, was requested by said user. Borland teaches the telephone device is a mobile telephone, the counter filed configured to store the number of times said stored listings have been requested by said user, a time and date field corresponding to the time and date at which a particular listing, stored in said past requested listing table, was requested by said user (col.4, line 50-col.6, line 42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Borland into the system of Rondeau and Heffield in order to facilitate usability.

As to claims 18, 19, Rondeau teaches the communication system as claimed in claim 14, wherein said past requested listing table further maintain configured to indicate the category of said listing, stored in said past requested listing table and category field maintains a category indicator including any one of recreational, movies, restaurants, commercial stores, airlines, hotels, taxis and, personal numbers (col.3, line 1-col.4, line 58).

As to claims 20-28, the combine of Rondeau and Borland teaches the past requested listing table further maintains a category rank field, configured to compute the

Art Unit: 2683

ranks for each of said listings, based on the number of times a particular listing was requested by said user, a top ranked requests sub-table configured to organize the most requested listings by said user, based on information from said category field, the top ranked requests sub-table is updated periodically, a specified amount of time and use in the business environment such as billing or charging (Borland, col.1, line 5-col.2, line 64).

5. Claims 6, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rondeau, Hefffield and Borland in view of Wunsch (US 6,606,381).

As to claims 6, 14-16, the combination of Rondeau, Hefffield and Borland teaches the past requested listing table. The combination fails to teach the counter field corresponding number of times that a particular listing stores in the past requested listing table, maintains a separate entry each time a particular listing is requested by said user and the total number of times in the counter field. Wunsch teaches the counter field corresponding number of times that a particular listing stores in the past requested listing table, maintains a separate entry each time a particular listing is requested by said user and the total number of times in the counter field (figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Wunsch into the system of Rondeau and Hefffield in order to enhance the system of an on line directory service.

6. Claims 9, 11, 43,44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rondeau and Hefffield in view of Chien (US 2003/0027573).

As to claims 9, 11, 43, 44, the combination of Rondeau and Hefffield teaches the

Art Unit: 2683

communication system as claimed in claim 8, which listed, stored on said past requested listing table. The combination of Rondeau and Hefffield fails to teach the data base is masked to said operator and a customer service representative and remain masked in the first database when transmitted to the telephone device of the user. Chien teaches the data base is masked to said operator and a customer service representative and remain masked in the first database when transmitted to the telephone device of the user (paragraph 0003-0014). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chien into the system of Rondeau and Hefffield in order to limit the access from different level of operator.

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 17, the teaching of prior art either alone or in combination fails to teach the time entry in said time and date field for said entry includes information corresponding to the last time and date said listing was requested by said user.

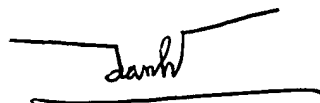
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

Art Unit: 2683

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Danh", is written over a horizontal line.

April 10, 2005

DANH CONG LE
PATENT EXAMINER